

Item 3. 08-07-2022

SA 86 of 2022

sg Ct. 8

Asad Hossain
Versus
Shyam Khatoon

(Through Video Conference)

The second appeal appeared in the warning list on 22nd June, 2022 and continued to appear in the list until it was transferred to the daily cause list on 28th June, 2022.

The appellant is not represented.

This appeal is arising out of a judgment and decree dated 31st May, 2016 passed by the learned Additional District Judge, 9th Court, Alipore, South 24 Parganas, in Title Appeal No. 60 of 2011 thereby reversing the judgment and decree passed by the learned Civil Judge (Junior Division), 2nd Court, Alipore, South 24 Parganas.

The plaintiff/respondent filed the suit seeking declaration of title and permanent injunction in respect of the suit property. Before the Trial Court, she failed to produce any document in support of her contention regarding title and the learned Trial Court was pleased to pass the decree in part.

Subsequently, before the First Appellate Court the plaintiff/appellant produced her title deed in respect of the suit property and the learned First Appellate Court, after taking into consideration the additional evidence in the form of title deed, was pleased to modify the judgment and decree passed by the Trial Court and thereby declared the title of the plaintiff/appellant in

respect of the suit property.

In view of the concurrent findings of both the Courts below which do not suffer from any perversity, we do not find any reason to interfere with the judgment and decree passed by the learned First Appellate Court.

In view of the aforesaid, we are not inclined to admit the appeal. The second appeal stands dismissed. However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)